

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

United States of America,

Plaintiff,

Case No. 20-cr-20491

v.

Hon. Thomas L. Ludington

Justin William Zube,

Defendant.

GOVERNMENT’S REQUEST FOR NOTICE OF ALIBI

The United States of America, by its undersigned counsel, hereby requests, pursuant to Federal Rule of Criminal Procedure 12.1, that defendant notify the government of any intended alibi defense for the offense charged in the indictment.

See Indictment ECF No. 1, PageID.1-4

It is alleged that on or about February 11, 2021, defendant possessed child pornography on his computers. The child pornography images on the defendant’s computer involved some specific dates and times on which the material was viewed on the computers. If defendant intends to use an alibi for this offense, the government requests notice, within 14 days of this request, stating:

a. Each specific place where defendant claims to have been during the viewing dates/times;

b. The name, address, and telephone number of each alibi witness on whom the defendant intends to rely.

The government further requests, pursuant to Federal Rule of Criminal Procedure 12.1(c), that defendant promptly disclose in writing each additional witness defendant learns about in the future, including the name, address and phone number, if defendant learns of the witness before or during trial and the witness should have been disclosed under Rule 12.1(a) or (b) if defendant had known of the witness earlier. In other words, the duty to disclose is a continuing one.

If defendant fails to comply with the government's request, the Court should exclude the testimony of any undisclosed witness regarding defendant's alibi. Fed. R. Crim. P. 12.1(e). *See also United States v. Clark*, 988 F.2d 1459, 1466 (6th Cir. 1993).

Respectfully submitted,

SAIMA S. MOHSIN
Acting United States Attorney

Dated: November 26, 2021

s/Anca I. Pop
Assistant U.S. Attorney
101 First Street, Suite 200
Bay City, MI 48708-5747
Telephone Number: (989) 895-5712
E-mail: anca.pop@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2021, the foregoing document was electronically filed by United States Attorney's Office with the Clerk of the Court using the ECF system which will send notice to all counsel of record.

s/Anca I. Pop

Assistant U.S. Attorney